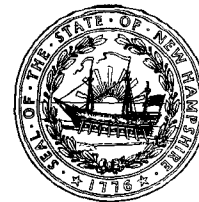




The State of New Hampshire  
**Department of Environmental Services**



**Michael P. Nolin**  
Commissioner

Mr. Gino Digiacomio  
Dolphyn Motel  
48 Ashworth Ave  
Hampton, New Hampshire 03842

LETTER OF DEFICIENCY  
WMB PBP 06-010  
July 14, 2006

Dear Mr. Digiacomio:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Wq 1100 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On June 29, 2006, DES inspected the following public bathing facilities at the Ships Inn in Hampton, NH: the outdoor pool ("Pool").

During this inspection, the following deficiencies were noted:

A recommendation to close the Pool was issued on June 29, 2006. The inspection on June 29, 2006 revealed that the Pool was in violation of Env-Wq 1105.10 and unsafe for public use.

1. Env-Wq 1105.10(b)(6a) requires a bromine concentration between 2.0 mg/L and 10.0 mg/L in public pool water. The bromine in the Pool water was less than 1.0 mg/L.
2. Env-Wq 1105.10(b)(11) requires that Total Alkalinity shall be 60-180 mg/L in a public Pool. The Total Alkalinity of the Big Pool water was approximately 0 mg/L on June 29, 2006.
3. Env-Wq 1105.10(b)(1) requires a pH between 7.0 and 7.8 in public pool water. The pH of the Pool water was 6.7 on June 29, 2006.
4. Env-Wq 1104.04(a) requires the following safety devices to be present at all public pools: (1) a light, strong pole not less than 12 feet long to which a body hook has been affixed, and (2) A flotation device capable of supporting an adult, with a throwing/retrieval line, which shall be a rope at least one-quarter inch in diameter and one-half the maximum width of the pool or 50 feet in length, whichever is less. The safety devices were not present at the Pool at the time of inspection.
5. Pursuant to Env-Wq 1104.02(c), If a lifeguard or other individual to enforce safety standards will not be present at a public bathing facility, the owner shall post a sign at all access points notifying patrons of the absence of a lifeguard. Signs indicating the absence of a lifeguard were not posted at the pool.
6. Pursuant to Env-Wq 1104.03(a), the operator shall be responsible for posting conspicuously displayed signs informing patrons of the DES rules relative to patron responsibilities (enclosed copy) and any other safety rules developed by the bathing facility management. Patron rules were not posted at the Pool at the time of the inspection.
7. Pursuant to Env-Wq 1104.03(c), signs shall provide the location of the nearest telephone. The location of the nearest telephone was not posted at the Pool at the time of the inspection.
8. Env-Wq 1105.15(a) states that the owner of a public bathing facility shall plainly and conspicuously mark the depth of water in feet at or above the waterline on the vertical wall of the public bathing facility and on the top of the coping or edge of the deck or walk next to the public bathing facility. The depth of the Pool was not marked on the deck of the Pool.

9. Env-Wq 1106.04(a)(2) requires pool filtration systems to include a flow meter. The filtration system for the Pool did not include working flow meters.
10. Env-Wq 1104.01 requires the operator to test public bathing facility water for disinfectant residual, pH, and temperature prior to use of a public bathing facility and every 4 hours during operation, to record test results on a dated daily log sheet, and to maintain operational records for the previous twelve months and make these records available to DES and patrons of the public bathing facility upon request. No written records were available at the time of the inspection relative to the required testing of the Outdoor Pool water.

DES believes the cited deficiencies can be corrected within 30 days and requests that you submit a report within 45 days of receipt of this letter that describes the corrective measures taken. The report should include the following:

1. A copy of two weeks of water quality test results for all facilities (please do not send originals).
2. A timetable of when:
  - a. the safety items will be in place;
  - b. the depth will be marked;
  - c. the "No Lifeguard On Duty" signs will be posted;
  - d. the patron rules will be posted;
  - e. the sign indicating the location of the nearest telephone will be in place; and
  - f. the installation or repairs of the flow meter will be completed.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Wq 1101-1105. After a violation of Env-Wq 1105.10(a)-(d), the facility will be required to pass two inspections in the following months. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Tim Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Wq 1101-1110 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.nh.gov/Pools/>

Sincerely,  
  
Jody Connor  
Limnology Center Director

Certified Mail # 7000 1670 0000 0587 7316

Enclosures

cc: ☒ Gretchen R. Hamel, Legal Unit Administrator, DES  
Kevin Schultz, Health Officer, Town of Hampton